

02/08/21
02/22/21

ORDINANCE NO. M-4329

AN ORDINANCE relating to city cemeteries; adding VMC 13.04.005 and 13.04.095; amending VMC 13.04.010, 13.04.020, 13.04.030, 13.04.080, 13.04.085, 13.04.092, 13.04.110, 13.04.120, 13.04.200, 13.04.210, 13.04.230, 13.04.260, 13.04.272, 13.04.330, 13.04.350, 13.04.360, 13.04.370, 13.04.380, 13.04.430, 13.04.440, 13.04.460, 13.04.470, 13.04.480, 13.04.530, 13.04.620; repealing VMC 13.04.070, 13.04.090, 13.04.093, 13.04.140, 13.04.250, 13.04.271, 13.04.280, 13.04.290, 13.04.450, 13.04.490, 13.04.500, 13.04.510, 13.04.560, 13.04.570, 13.04.600; and providing for ratification, severability, and an effective date.

WHEREAS, the City of Vancouver is a first class charter city authorized by chapter 68.52 RCW to acquire, hold, and/or improve land for cemetery purposes, and

WHEREAS, the City of Vancouver has owned and operated two cemeteries (Old City Cemetery and Park Hill Cemetery) for over 100 years, and a 2003 land donation provided the City with the opportunity to own and operate a third cemetery, which is named Fisher Cemetery;

WHEREAS, on November 9, 2018, the Clark County Superior Court under Cause No. 18-2-05402-1, decreed that a portion of the Park Hill Cemetery was no longer subject to a dedication for cemetery purposes;

WHEREAS, a repeal of the legislatively set cemetery pricing is necessary to effect the City Council's intent as passed in Ordinance M-3058 to delegate to city staff the ability to change cemetery pricing administratively; and

WHEREAS, as reflected in SR 027-21, and its accompanying amendment matrix, Staff recommends that certain revisions to the City's cemetery code are necessary to bring the City's cemetery operations more in line with current industry practices, and the City Council adopts those recommendations;

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. A new section is enacted and added to chapter 13.04 VMC, to be codified at VMC 13.04.005, and shall read as follows:

13.04.005 Definitions

The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

"Burial" means the placement of human remains, including human created remains, in a grave.

"Cemeteries" shall mean the city cemeteries described in VMC 13.04.010.

"City" shall mean City of Vancouver, Washington.

"Lead cemetery official" means a City of Vancouver Public Works employee who oversees the maintenance of city owned cemeteries, related sales, and other duties as defined in this chapter.

"Columbarium" a structure, room, or other space in a building or structure containing niches for permanent placement of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

"Cremated human remains" means the end products of cremation.

"Cremation" means the reduction of human remains to bone fragments in a crematory by means of incineration.

“Disinterment” means exhumation of buried human remains or cremated human remains from a grave or removal of cremated human remains from a columbarium.

“Flat memorial” means any grave memorial that is flush with ground level.

“Grave” means a space of ground in a cemetery, used or intended to be used, for burial.

“Human remains” means the body of a deceased person, including remains following the process of cremation. This also includes the body in any stage of decomposition.

“Interment” or “inter” means the placement of human remains in a city cemetery, a term that includes inurnment, burial, and scattering.

“Inurnment” or “inurn” means to place cremated human remains in a niche.

“Liner” means a secondary container for human remains and cremated human remains that are interred by burial.

“Lot” means space in a cemetery, used or intended to be used for a group of graves.

“Memorial”, as the term relates to graves, means any flat or upright marker intended to permanently mark a grave, and as the term relates to niches, means a covering intended to permanently mark a niche.

“Niche” means a space in a columbarium for placement of cremated human remains.

“Right of interment” or “interment right” means the right to inter human remains in a particular place in a city cemetery. The term “right of interment” also means any deed or right of title issued under this Title prior to the enactment of this ordinance.

“Scatter” means the removal of cremated human remains from their container for the purpose of scattering the cremated human remains in any lawful manner as provided in this chapter.

“Upright memorial” means any memorial for a grave that is not flush with ground level.

“Urn” means the container that holds cremated human remains.

Section 2. VMC 13.04.010, adopted by Section 1 of Ordinance M-1649, is amended as follows:

13.04.010 Description of cemeteries.

The following described ~~two~~ three parcels of real property in Vancouver, Clark County, Washington, are the ~~two~~ three city cemeteries which shall be maintained and operated by the city in the manner set forth in this chapter:

A.a. ~~Old City Cemetery~~ bounded by Mill Plain, Grand, East 13th Street, and “Z” Streets:

Beginning at the southeast corner of the said John Maney preemption Land Claim, which southeast corner is a point two (2) chains fifty-four links, north of the quarter section post between Sections No. 25 and 26 in Township Two North Range One East of the Willamette Meridian, thence north ten (10) chains, thence west ten (10) chains, thence south ten (10) chains, thence east ten (10) chains to the place of beginning.

Containing ten (10) acres of land. Recorded in Book F of Deeds, pages 221 and 222;

B.b. ~~Park Hill~~ Park Hill Cemetery, bounded by Mill Plain, Devine, MacArthur and certain private property:

The following described property, located in Clark County, Washington, described as set out in this section, shall be used as a cemetery and is dedicated to that purpose and is named Park Hill Cemetery:

~~All that portion of Lot 8 in Section 30, Township 2 North, Range 2 East of the Willamette Meridian, described as follows: beginning at the center of said Section 30, running thence west 14.22 chains, to the east line of the J.W. Nye Donation Land Claim; thence north 3.20 chains; thence southeasterly along the county road from Vancouver to Mill Plain, 15.44 chains to the place of beginning, containing 2.77 acres, more or less;~~

~~Also all of Lots 2 and 6 and all that part of Lot 3 lying south of the county road running from Vancouver to Mill Plain, in said county and state, excepting the Remlinger and Fritsch eight-acre tract which is more particularly described as follows: beginning at a point in the county road from Vancouver to Mill Plain, said point being 20 chains east and 4.55 chains south from the northeast corner of the southwest quarter of Section 30, township and range as above described; thence south 10.78 chains; thence west 6.93 chains; thence north 12.32 chains; thence south 77 degrees 30 minutes east along the center of the county road~~

~~7.10 chains to the place of beginning, all being in Section 30, Township 2 North of Range 2 East of the Willamette Meridian, containing in all 54.46 acres more or less.~~

All that parcel described in Deed Book 108, Page 261, T.H. Adams and Eva A. Adams to City of Vancouver, records of Clark County, Washington, in the Northwest 1/4, Southwest 1/4 and the Southeast 1/4 of Section 30, Township 2 North, Range 2 East of the Willamette Meridian, Clark County, Washington, more particularly described as follows:

All that portion of Government Lot Eight (8) in Section Thirty (30) Township Two (2) North, Range Two (2) East from the Willamette Meridian described as follows:

Beginning at the center of said Section Thirty (30) running thence West Fourteen and 22/100 (14.22) chains to the East line of the J.W. Nye Donation Land Claim; thence North Three and 20/100 (3.20) chains; thence Southeasterly along the county road from Vancouver to Mill Plain, Fifteen and 44/100 (15.44) chains to the Place of Beginning.

Contains Two and 77/100 (2.77) acres more or less.

Also all of Government Lots Two (2) and Six (6) and all that part of Lot Three (3) lying South of the county road running from Vancouver to Mill Plain, in said County and State.

Excepting the Remlinger and Fritsch Eight (8) acre tract which is more particularly described as follows:

Beginning at a point in the county road from Vancouver to Mill Plain, said point being Twenty (20) chains East and Four and 55/100 (4.55) chains South from the Northeast corner of the Southwest Quarter of Section Thirty (30) Township and Range as above described; thence South Ten and 78/100 (10.78) chains; thence West Six and 93/100 (6.93) chains; thence North Twelve and 32/100 (12.32) chains; thence South 77 degrees and thirty minutes East along the center of the county road Seven and 10/100 (7.10) chains to the place of beginning, all being in Section Thirty (30) Township Two (2) North of Range Two (2) East of the Willamette Meridian.

Containing in all 54.46 acres more or less.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining, and also all their estate, right, title or interest in and to the same.

Also excepting a portion of Government Lots 6 and 8 more particularly described as follows:

Commencing at a capped steel rod at the north end of a curve defining the transition of the North line of East McArthur Boulevard to the East line of Devine Road as shown in Record of Survey Book 45, Page 4, records of Clark County, WA; thence northerly along the East line of Devine Road 502.57 feet to another capped steel rod marking the northwest corner of adjusted Tax Lot 9 as shown in said survey; thence North 1° 29' 03" East along said East line 72.00 feet to the True Point of Beginning; thence leaving said East line South 84° 25' 36" East 91.21 feet to an angle point; thence North 87° 48' 03" East 133.28 feet to an angle point; thence North 56° 29' 43" East 131.78 feet to an angle point; thence North 25° 57' 28" East 420.19 feet to an angle point; thence North 1° 14' 44" East 320.68 feet to an angle point; thence North 77° 02' 57" West 70.33 feet to an angle point; thence North 19° 53' 59" East 191.96 feet to the South line of Mill Plain Boulevard; thence westerly 504.16 feet, more or less, along the South line of Mill Plain Boulevard to the East line of Devine Road; thence southerly 1060.36 feet, more or less, along said East line of Devine Road to the True Point of Beginning.

This exception containing approximately 10.57 acres.

Subject to easements and restrictions of record.

C. Fisher Cemetery bounded by SE Evergreen Highway, Burlington Northern Santa Fe Railroad and certain private property

The following described property, located in Clark County, Washington, described as set out in this section, shall be used as a cemetery and is dedicated to that purpose and is named Fisher Cemetery:

PARCEL I

The Donation Land Claim of Willam M. Simmons and Eliza Ann Simmons as described as follows:

BEGINNING at a point 20 feet due North of the most Easterly corner of the present cemetery which was conveyed by William K. Simmons and wife to Mill Plain Grange No. 24 of the Patrons of Husbandry, by deed recorded at page 502, Book N of Deeds of said Clark County; and running thence South 20 feet to said Easterly corner; thence South 34°15' West along the Southeasterly boundary of said cemetery, 2 chains, 68 links to its most Southerly corner; thence South 163 feet to the North line of the railroad right of way heretofore conveyed by the grantors herein to the Seattle and Portland Railway Company, commonly called the North Bank Road; thence South 76°25' East along the said North line of said right of way, 297 feet; thence North 310 and 7/10 feet to the center line of the County Road running from Vancouver to Camas; thence North 65° West

following the center line of said County Road, 207 and 1/2 feet to the Point of Beginning.

PARCEL II

BEGINNING at a point supposed to be the South East corner of Solomon Fisher's Land Claim, from which point a white Oak 40 inches In diameter bears North 57° West 1 chain and 2 links distant running from this point North 33° West 6 chains; thence North 15° East 11 chains and 50 links; thence South 60° East, 3 chains and 54 links to the Northwest corner of the said burying ground where a post is set from which post a fir tree 30 Inches in diameter bears North 22°45' East 58 links distant; thence South 34°45' West 2 chains and 68 links to a post which is the Southwest corner of the said burying ground from which post a fir tree 24 inches in diameter bears South 73° East, 53 links distant, also a Dogwood 4 inches in diameter bears North 11° East 9 links distant; thence South 55°45' East, 3 chains and 52 links to a post which is the Southeast corner of the said burying ground from which post a Fir tree 12 inches In diameter bears South 66° East 1 chain and 33 links distant; thence North 34°15' East 2 chains and 68 links to a post which is the Northeast corner of the said burying ground from which post a Willow tree 8 inches in diameter bears South 20°30' East 53 links distant, also a Fir tree 40 inches in diameter bears North 24°45' West 1 chain and 64 links distant: thence North 55°45' West 3 chains and 52 links to the Place of Beginning.

Section 3. VMC 13.04.020, adopted by Section 2 of Ordinance M-1649, is amended as follows:

13.04.020 Operation and administration.

The city cemeteries shall be operated and maintained by the city department of ~~parks, recreation and memorials~~ public works. The director of ~~parks, recreation and memorials~~ public works, subject to regulation by the city manager, shall appoint a ~~suitable person~~ lead cemetery official to be responsible for administration of this chapter and for the operation and maintenance of the cemeteries. He or she shall be designated for the purposes of this chapter as the lead cemetery supervisor official ~~and shall have authority to enforce this chapter and also~~ shall have all duties which are imposed on a sexton or lead cemetery official by any existing ordinance or law. ~~The supervisor shall be deputized as a special city policeman for purposes of enforcing the ordinance codified in this chapter only.~~

Section 4. VMC 13.04.030, adopted by Section 3 of Ordinance M-1649, is amended as follows:

13.04.030 ~~Lot~~ Right of interment purchase --Contracts Fees collected.

~~A.a.~~ Any person desiring to may purchase a lot right of interment in a city cemetery from shall make application to the city clerk or to the city lead cemetery official supervisor or to any licensed funeral director whom the city clerk has authorized to receive applications. The director of Financial and Management Services is authorized to permit purchases through an online/web-based program. Applications shall be upon forms to be prepared by the city clerk. At the time of purchase, the purchaser shall pay the sum set by ordinance the price schedule adopted pursuant to VMC 13.04.092 as the purchase price of the lot right of interment and shall be issued a receipt therefore. Payments shall be forthwith remitted to the director of Financial and Management Services. All money received for rights of interment or any other fee charged under VMC 13.04.092 shall be immediately paid to the director of Financial and Management Services.

~~B.b.~~ The contracts may allow lots to be purchased in the cemeteries upon an installment plan; provided, that twenty five percent of the purchase price is paid at the time of making the contract, and the contract shall provide for the balance to be paid in monthly installments at an interest rate to be stated in the contract and not to exceed eight percent simple interest. Each such contract shall provide that in case the purchaser fails to make any premium payment on his or her lot within six months of due date that the contract shall be deemed forfeited and that the city shall retain payments made as liquidated damages. The city shall give the purchaser not less than twenty days' notice of impending forfeiture, and if payments due are not then made, may thereafter sell the lot to any other person. Upon full payment of such the purchase price, the clerk or his or her designee shall issue to the purchaser a deed right of interment under the corporate seal of the city conveying to him or her the sole right to use the lot grave or niche for burial or inurnment purposes, respectively, but no such deed right of interment shall be issued by the city clerk or his or her designee until he or she has received the full sum to be charged for such lot right. All deeds rights of interment delivered by the city for cemetery lots or graves shall be signed by the city clerk or his or her designee and have thereon the seal of the city. All such deeds rights of interment shall be issued subject to rules or regulations then in force or which may thereafter be made by the city for the regulation of the cemeteries. Funeral directors may purchase graves for cash and thereafter resell them to other persons at the same price for which purchased and subject to the same installment and interest rate provisions.

Section 5. VMC 13.04.080, adopted by Ordinance C-146, as last amended by Section 4 of Ordinance M-1649, is amended as follows:

13.04.080 Regulations for interment of ashes cremated human remains.

Upon payment of any regular and/or special fee identified in the fee schedule adopted pursuant to VMC 13.04.092, Ashes cremated human remains of human remains may be interred in city cemeteries under the following regulations:

A. Cremated human remains may be disposed of at city cemeteries by inurning the cremated human remains in an established columbarium, by scattering the cremated human remains in the scatter garden at Park Hill Cemetery, or by burying the cremated human remains in a grave with a liner as provided in VMC 13.04.272. No cremated human remains shall be disposed of at city cemeteries except as permitted in this section.

B. a. Ashes shall be enclosed in a suitable urn or other receptacle. There have been established in Sections QA and EA of the Parkhill Park Hill Cemetery areas for the interment burial of ashes cremated human remains of deceased persons. Ashes Cremated human remains may be interred buried in such area for the fee established by ordinance administratively under VMC 13.04.092. Lots in Section Q have been laid out and numbered in accordance with a blueprint plan hereby approved and adopted. Not more than two urns or receptacles shall be interred in any one lot.

C. b. Ashes Cremated human remains also may be interred buried in other sections of the Parkhill Park Hill Cemetery, Fisher Cemetery, or in Old City Cemetery upon payment of regular burial fees; provided that no more than four urns or receptacles may be interred in any one lot, subject to the provisions of VMC 13.04.330.

D. e. The provisions of other sections of the code shall be applicable to areas established for interment of ashes cremated human remains insofar as such provisions are not inconsistent with the provisions of this section.

Section 6. VMC 13.04.085, adopted by Section 2 of Ordinance M-1548, is amended as follows:

13.04.085 Burials after ~~noon~~ 3:00PM on Saturdays--Restriction--Additional fee.

Funerals and/or burials shall not be scheduled to begin at city cemeteries after ~~noon~~ 3:00PM on Saturdays. If any funeral or burial which was scheduled to begin before ~~noon~~ 3:00PM is delayed and the funeral party does not arrive at the cemetery until ~~noon~~ 3:00PM or later, an additional fees of sixty dollars shall be charged as shown on the price schedule adopted pursuant to VMC 13.04.092.

Section 7. VMC 13.04.092, adopted by Section 4 of Ordinance M-3058, is amended as follows:

13.04.092 Price schedule – Amendment by city staff when.

It is determined by city council that cemetery price setting is administrative and should be accomplished by city staff pursuant to the standards provided herein. Rates for graves and for cemetery services shall be changed by staff not more than once in any twelve-month period after staff shall have ascertained that such changed rates are between ninety percent and one hundred percent of the rates charged for similar lots, graves, niches, and similar services in other cemeteries in Clark County. An up-to-date copy of such price schedule shall be kept at the cemetery offices and also on file in the office of the city clerk. Such price list shall be so amended only after a notice has been advertised at least once in the city's official newspaper, which notice shall be published at least twenty days before the effective date of the new prices.

Section 8. A new section is enacted and added to chapter 13.04 VMC, to be codified at VMC 13.04.095, and shall read as follows:

13.04.095 Disinterment – Conditions

A. Human remains may be disinterred from any city cemetery only under the following conditions:

1. Disinterment is permitted by and conducted in accordance with state law;
2. All applicable permits are obtained; and
3. All fees established under VMC 13.04.092 and all expenses for disinterment are fully paid in advance.

B. If the right of interment to the grave from which the human remains are disinterred is to be transferred back the city, all liners in the grave must be removed at the expense of the person arranging for disinterment.

Section 9. VMC 13.04.110, adopted by Section 3 of Ordinance M-74, as amended by Section 3 of Ordinance M-1059, is amended as follows:

13.04.110 Cemetery improvement fund -- Percentage of sale price deposited in.

Twenty-five percent of the sale of each and every ~~lot and grave~~ right of interment in Park Hill city Cemeteries shall be placed in a separate fund to be known as a cemetery improvement fund and the same shall be invested in accordance with the laws of the state of Washington and the Charter and ordinances of the city. The balance of the sale price and other charges made in connection with the cemetery shall be used for operational expenses.

Section 10. VMC 13.04.120, adopted by Section 3 of Ordinance 884, as amended by Ordinance M-250, is amended as follows:

13.04.120 Cemetery improvement fund – Use

The cemetery improvement fund is a special revenue fund for the City to make capital improvements in and/or maintain city cemeteries. ~~and shall remain a trust fund for the use and benefit of those persons who may become purchasers and their successors or assigns of cemetery lots or graves, for the citizens of the city of Vancouver, and for the grave of Esther Short, to be held, controlled and invested by the city of Vancouver, in order that the cemetery lots sold therein, and the grave of Esther Short may be taken care of and maintained.~~

Section 11. VMC 13.04.200, adopted by Section 16 of Ordinance 884, is amended as follows:

13.04.200 Authority to make improvements.

The ~~city council~~ Director of Public Works or designee may cause the grounds, or any part of them, to be cleared, improved and platted into sections, lots and ~~blocks and into~~ single graves, and may provide for installation of a system or systems to furnish water for the cemetery, and may improve the cemetery by laying out walks and drives and planting trees, shrubs or plants on the lots, graves, or any part of the cemetery.

Section 12. VMC 13.04.210, adopted by Section 17 of Ordinance 884, as amended by Section 9 of Ordinance M-1649, is amended as follows:

13.04.210 Provision for general plat.

The department of ~~parks, recreation and memorials~~ public works shall maintain a general plat for the laying out of drives and for the platting of the cemetery into sections, showing therein the number of lots and graves which shall be filed with the city clerk, provided, however, that the city may plat any part of the cemetery at a time, leaving the balance to be used for a park or other purposes consistent with the cemetery use, until needed for cemetery purposes.

Section 13. VMC 13.04.230, adopted by Section 22 of Ordinance 884, is amended as follows:

13.04.230 Record of grave rights of interment sales and interments.

A. ~~The city clerk shall keep a complete record of each lot or single grave~~ The city clerk shall keep an official record in either a book or web based program prepared for the purpose a complete record of each lot or single grave right of interment sold, showing the date of sale, name and address of the purchaser, location of the right of interment, number of section of lot sold and price paid therefore.

B. In addition to the official record described in Subsection (A), the city shall keep in either book or web based program a record of each interment, showing the names of all persons interred, the date of interment, the number and date of the right of interment sold, the name of the funeral service provider, and the charges for work performed.

Section 14. VMC 13.04.260, adopted by Section 1 of Ordinance C-145, as last amended by Section 1 of Ordinance M-2672, is amended as follows:

13.04.260 ~~Transfer of title to lot, or grave,~~ right of interment.

No transfer of ~~title of any lot, or grave,~~ right of interment in the city cemetery ~~ies or Park Hill Cemetery~~ from one person to another shall be made until payment of the fee therefore set ~~pursuant to by Section VMC 13.04.090~~ 092 has been made to the city clerk or designee. Upon payment of such fee and presentation of the ~~deed to the lot, grave, right of interment,~~ the city clerk or designee shall endorse such transfer thereon and make record thereof; and no transfer shall be valid until such endorsement shall have been made on the right of interment by the city clerk or designee; and no ~~burials~~ interments shall be made on ~~the any~~ any lot, ~~grave, or niche~~ by the transferee until the valid transfer of the ~~lot~~ interment right has been made. In the event the purchaser of a ~~city cemetery lot~~ right of interment desires to resell ~~the right~~ this lot, the city clerk or designee is authorized on behalf of the city to purchase it at not more than the amount for which it was originally purchased out of moneys appropriated or budgeted for such purpose.

Section 15. VMC 13.04.272, adopted by Section 2 of Ordinance M-3058, is amended as follows:

13.04.272 ~~Containers~~ Liners for caskets and urns.

All ~~easkets~~ non-cremated human remains intended to be buried in either any of the city cemeteryies, regardless of whether contained in a casket or similar enclosure, shall be placed in a concrete grave box (liner) at the time of burial, and a ~~All ash urns~~ cremated human remains intended to be buried, whether placed in an urn or similar enclosure, shall be placed in a concrete container liner at the time of burial, which shall be made from a durable material approved in advance by the lead cemetery official that provides sufficient structural support to protect the casket or urn from collapse.

Section 16. VMC 13.04.330, adopted by Section 32 of Ordinance 884, as amended by Section 12 of M-1649, is amended as follows:

13.04.330 ~~Stacking bodies~~ Double depth and multiple burials.

Double depth burials are allowed ~~No person shall bury one body on top of another except with special permission of the cemetery supervisor and only upon payment of regular fees and or any special or additional fees established by ordinance identified in the fee schedule adopted pursuant to VMC 13.04.092. The limitations on the number of human remains in any one grave, whether single depth or double depth, shall be as follows:~~

- Single depth grave: six cremated human remains; or one non-cremated human remains and up to five cremated human remains
- Double depth grave: two non-cremated human remains and up to four cremated human remains

Section 17. VMC 13.04.350, adopted by Section 34 of Ordinance 884, is amended as follows:

13.04.350 Lot and grave enclosures.

No person shall place improvements or cornerstones indicating the boundaries of lots or graves except on the lot or grave itself, nor shall anyone place fences of wood or iron, or walls, coping or curbs of brick, stone or marble on any lot or grave as an enclosure thereof.

Section 18. VMC 13.04.360, adopted by Section 34 of Ordinance 884, is amended as follows:

13.04.360 Corner posts.

No person shall place any post of stone, concrete or marble at the corner of any lot or grave which shall be less than two and one-half feet in length, and the same shall be placed so as not to project above the surface of the ground.

Section 19. VMC 13.04.370, adopted by Section 35 of Ordinance 884, is amended as follows:

13.04.370 ~~Family lots~~ — ~~Monument location~~ — Memorials -- ~~Size and number of markers.~~

A. No person shall place more than ~~one monument~~ three memorials on a family burial lot any grave, no more than one of which may be an upright memorial, which monument must be in the center of the lot unless deemed impractical by the sexton, in which case he shall determine the location; provided, however, that this shall not include markers, of which only one shall be allowed on each grave of a uniform size, fourteen by twenty-four inches, and not less than three inches thick, the same to be set flush with the sod. No foot stones for graves shall be allowed.

B. No memorial may exceed the dimensions of any grave for which a right of interment is purchased. No upright memorial shall exceed sixty inches in height measured from the ground to the top of the monument, unless otherwise approved by the lead cemetery official. Flat memorials shall be allowed on each grave of a uniform size, fourteen by twenty-four inches, and not less than ~~three~~ four inches thick, the same to be set flush with the sod. No foot stones for graves shall be allowed.

Section 20. VMC 13.04.380, adopted by Section 2 of Ordinance 939, as amended by Section 13 of M-1649, is amended as follows:

13.04.380 Monuments Memorials – Materials, sizes, and location.

A. No person shall place within the cemeteries any ~~monuments~~ flat memorial made of any material other than marble, ~~or slate stone granite or bronze~~, provided that any flat memorial measuring less than twelve inches by twenty-four inches shall have a concrete border. Concrete borders for flat memorials shall be of sufficient size and depth to hold the memorial firmly in place and flush with the ground. All ~~monuments~~ shall be properly supported with a concrete casing. All ~~monuments~~ flat memorials must be flush with the surface of the ground. ~~Monuments other than ones described above shall only be used with the written permission of the cemetery supervisor.~~

B. Upright memorials are not permitted in Park Hill Cemetery except for Sections “A”, “B”, “C”, “J”, “O”, and “R”. Upright memorials, constructed pursuant to this section, may be erected in the foregoing designated sections of Park Hill Cemetery. Upright memorials may be allowed in other city cemeteries in the discretion of the lead cemetery official. Erection of an upright memorial on a grave shall not preclude the placing of a flat memorial on the same grave, subject to the other provisions in this chapter. Including and subject to the following provisions, the composition, dimensions, and styles of all foundations and bases for upright memorials shall require written approval in advance by the lead cemetery official.

1. Foundations. All foundations for upright memorials shall be comprised of either granite or concrete. Foundations shall be a minimum of four inches thick for granite and a minimum of six inches thick for concrete.

2. Bases. Upright memorial bases shall be a minimum of six inches high, and the sides shall be a rough, rock-faced texture.

3. Monument. The monument or die (primary portion) of an upright memorial shall be granite or marble.

D. A bronze plaque may be used on any memorial, whether flat or upright.

E. The lead cemetery official is authorized to promulgate rules governing niche memorials.

Section 21. VMC 13.04.430, adopted by Section 41 of Ordinance 884, is amended as follows:

13.04.430 ~~Monuments placed on deceded lots only~~ Right of interment required to place memorials.

No person shall place a ~~monuments~~ memorial on any lot, grave, or niche until the lot is fully paid for and a deed right of interment to the same is obtained and all applicable fees are paid.

Section 22. VMC 13.04.440, adopted by Section 7 of Ordinance M-1649, is amended as follows:

13.04.440 ~~Picking flowers prohibited.~~

No person, whether or not a lot owner or a holder of a deed to a grave, shall pick any flower or break any limb of any tree or shrub in any cemetery or remove any tree or plant from any cemetery unless ~~he has received~~ written permission has been granted from by the lead cemetery supervisor official. All flowers and easels placed at any burial site at the time of a funeral or on Memorial Day shall be removed no later than five days after the funeral or Memorial Day, respectively, either by the family or their representative. After the expiration of said five day period, any and all flowers and easels placed at any burial site at the time of a funeral may be removed, or by cemetery the lead cemetery official or those employees working under his or her direction. , and all flowers placed on graves on Memorial Day shall be removed within five days after Memorial Day either by the persons placing them there or by the city employees. Artificial flowers and plants shall not be placed on graves during the mowing season, which is established as the days between ~~April~~ March 1st and October 31st of each year, except for a period of one week designated for Memorial Day observance by the ~~cemetery supervisor~~ lead cemetery official. Glass receptacles are not allowed. Absent written permission granted by the lead cemetery official, Only the lead cemetery supervisor official or those employees working under his or her direction may plant any plants, build any structures or dig graves in the cemeteries, except with special permission of the supervisor., and nNo one shall place any articles upon graves except as permitted in this chapter.

Section 23. VMC 13.04.460, adopted by Section 16 of Ordinance M-1649, is amended as follows:

13.04.460 ~~Monuments~~ Memorials --Removal prohibited--Exception

After any ~~memorial, monuments, headstone, cornerstone, marker or other property~~ has been placed on any lot or grave sold in any city cemetery, it is unlawful to remove the same except with written permission authority from the lead cemetery supervisor official. It shall be ~~a violation of this chapter~~ unlawful for anyone willfully to damage any such property or any city property in the cemeteries. A violation of this section shall be a misdemeanor punishable in accordance with VMC 7.00.010.

Section 24. VMC 13.04.470, adopted by Section 5 of Ordinance M-1649, is amended as follows:

13.04.470 Driving vehicles into cemetery.

No person shall ride or drive any private vehicle in any city cemetery except on the drives thereof, nor at a speed in excess of ten miles per hour, which is established as the maximum vehicle speed on cemetery drives. No vehicle shall be operated on city cemetery drives which is in violation of any equipment regulations found in the city traffic code or other ordinance, and no vehicle in excess of ten thousand pounds gross weight shall be permitted on city cemetery grounds except with the permission of the ~~city~~ lead cemetery supervisor official, and then subject to his or her regulations and directions.

Section 25. VMC 13.04.480, adopted by Section 6 of Ordinance M-1649, is amended as follows:

13.04.480 Cemetery hours.

It is unlawful for anyone to enter or be in any city cemetery after dusk or before six a.m. of any day, except when the cemetery is open between such hours by order of the lead cemetery supervisor official for a special occasion or service; provided, this section shall not apply to employees of the city who enter the cemetery in the course of their employment.

Section 26. VMC 13.04.530, adopted by Section 54 of Ordinance 884, as amended by Section 15 of Ordinance M-1649, is amended as follows:

13.04.530 Powers and duties of lead cemetery supervisor official.

The lead cemetery supervisor official shall have charge of cemetery grounds and is authorized to enforce the rules to maintain order; to ~~supervise~~ oversee workmen maintenance staff, corrections crews, volunteers and visitors and driveways; to expel from the grounds any persons who violate this code or any rules promulgated hereunder; and to refuse admission of any persons or materials when ~~he may deem~~ such action may be necessary under this chapter. ~~He shall be appointed a special policeman to enforce this chapter only, but shall not receive any extra compensation therefore.~~

Section 27. VMC 13.04.620, adopted by Section 20 of Ordinance M-1649, is amended as follows:

13.04.620 Violation--Penalty.

Except as provided in Section 13.04.460 of this chapter, a violation of this chapter shall be considered a class 1 civil infraction under RCW 7.80.120 with a fine not exceeding \$250.00. Nothing in this section affects the adoption of any RCW section adopted by reference in VMC 7.02.010. Nothing in this section limits or affects any right of restitution, including but not limited to that of the city. Anyone convicted of violating any section of the ordinance codified in this chapter shall be fined not to exceed five hundred dollars.

Section 28. The following sections of chapter 13.04 VMC are hereby repealed:

VMC 13.04.070 (Maximum size of monuments), adopted by Section 5 of Ordinance 1423;

VMC 13.04.090 (Schedule of grave prices), adopted by Section 1 of Ordinance M-74, as last amended by Section 1 of Ordinance M-3057;

VMC 13.04.093 (Cemetery map--Price per grave dependent upon zone), adopted by Section 5 of Ordinance M-3058;

VMC 13.04.140 (Cemetery improvement fund – Auditing), adopted by Section 5 of Ordinance 884, as last amended by Section 8 of Ordinance M-1649;

VMC 13.04.250 (Money transferred to director of Financial and Management Services), adopted by Section 24 of Ordinance 884;

VMC 13.04.271 (Retort maintenance reserve), adopted by Section 1 of Ordinance M-3058;

VMC 13.04.280 (Record of interments kept by clerk) , adopted by Section 27 of Ordinance 884;

VMC 13.04.290 (Record of interments kept by sexton), adopted by Section 28 of Ordinance 884;

VMC 13.04.450 (Monuments -- Removal permitted when), adopted by Section 43 of Ordinance 884, as amended by Section 14 of Ordinance M-1649;

VMC 13.04.490 (Vertical stones prohibited), adopted by Section 50 of Ordinance 884;

VMC 13.04.500 (Marker foundations), adopted by Section 6 of Ordinance M-1649;

VMC 13.04.510 (Park Hill Cemetery cremation), adopted by Section 1 of Ordinance M-2393;

VMC 13.04.560 (Monument section of Park Hill Cemetery designated), adopted by Section 1 of Ordinance C-296;

VMC 13.04.570 (Foundations and bases of monuments), adopted by Section 2 of Ordinance C-296;

VMC 13.04.600 (Establishing or extending cemetery or crematory prohibited), adopted by Section 1 of Ordinance M-106.

Section 29. Ratification. The reorganization of the City's cemetery program and past operations and actions conducted consistent with this ordinance are hereby ratified and confirmed.

Section 30. Severability. If any section, sentence, clause or phrase of this ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

Section 31. Effective date. This ordinance shall become effective thirty (30) days following the date of final adoption.

Read first time: February 8, 2021

Ayes: Councilmembers Fox, Paulsen, Lebowsky, Glover, Stober, Hansen, Mayor McEnerny-Ogle

Nays: None

Absent: None

Read second time: February 22, 2021


PASSED by the following vote: 6-0

Ayes: Councilmember Fox, Paulsen, Lebowsky, Glover, Stober, Mayor McEnerny-Ogle


Nays: None

Absent: Councilmember Hansen

SIGNED this 22nd day of February, 2021.


DocuSigned by:

58CB45C8632F403...
Anne McEnerny-Ogle, Mayor

Attest:

DocuSigned by:

BCF6734E40E04AE...

Natasha Ramras, City Clerk

Approved as to form:

DocuSigned by:

9A7DC2E31F694A2...

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M-4329

AN ORDINANCE relating to city cemeteries; adding VMC 13.04.005 and 13.04.095; amending VMC 13.04.010, 13.04.020, 13.04.030, 13.04.080, 13.04.085, 13.04.092, 13.04.110, 13.04.120, 13.04.200, 13.04.210, 13.04.230, 13.04.260, 13.04.272, 13.04.330, 13.04.350, 13.04.360, 13.04.370, 13.04.380, 13.04.430, 13.04.440, 13.04.460, 13.04.470, 13.04.480, 13.04.530, 13.04.620; repealing VMC 13.04.070, 13.04.090, 13.04.093, 13.04.140, 13.04.250, 13.04.271, 13.04.280, 13.04.290, 13.04.450, 13.04.490, 13.04.500, 13.04.510, 13.04.560, 13.04.570, 13.04.600; and providing for ratification, severability, and an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).